

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

LINKSMART WIRELESS TECHNOLOGY,
LLC,

Plaintiff,

v.

T-MOBILE USA, INC., et al.

Defendants.

AND RELATED COUNTERCLAIMS.

**Case No. 2:08-cv-00264-DF-CE
LEAD CASE**

CONSOLIDATED WITH:

Case No. 2:09-cv-00026-DF-CE

Case No. 2:08-cv-00385-DF-CE

Case No. 2:08-cv-00304-DF-CE

**PROPOSED ORDER GRANTING DEFENDANTS' MOTION FOR A STAY PENDING
THE REEXAMINATION OF THE PATENT IN SUIT**

In consideration of Defendants' Motion for A Stay Pending the Reexamination of the Patent-In-Suit (D.I. 546) and Linksmart's Notice of Non-Opposition, including the conditions set forth in Linksmart's Notice, Defendants' Motion is hereby GRANTED and it is ORDERED that:

- (1) This litigation is stayed pending the resolution of Reexamination Proceeding No. 90/009,301, including all appeals;
- (2) Defendants agree not to oppose a motion to lift the stay if the PTO indicates that a reexamination certificate is forthcoming or that all claims Linksmart is currently asserting against the Defendants in this litigation have been confirmed. Defendants reserve the right, however, to oppose the lifting of the stay on the basis of any reexamination request that is not currently pending. Nothing in this agreement is meant to prevent Linksmart from opposing such a request. In addition, nothing in this agreement is meant to prevent Linksmart from filing an opposed motion to lift the stay; and
- (3) This stay will not affect the briefing schedule for Choice's currently pending motion for summary judgment.

SIGNED this 26th day of October, 2010.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE